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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on
the Rights of the Child

DJIBOUTI

1. The Committee considered the report the initial report of Djibouti (CRC/C/8/Add.39), submitted on 28 July 1998, at its 637th and 638th meetings, on 30 May 2000, and adopted[1] the following concluding observations.

A. Introduction

2. The Committee notes that the structure of the State party's report follows the Committee's guidelines for the preparation of reports. The Committee regrets, however, that the information provided is general and gives no thorough description of relevant legislation, government policies and existing institutional structures, or of the actual enforcement of laws and problems encountered in that regard. There is a significant lack of statistical information, and no information provided about the preparation of the report. The Committee takes note of the additional information provided in the responses to the list of issues. The Committee appreciates the frank and constructive dialogue with the one-person delegation while regretting that the delegation could not cover all the areas addressed by the Convention.

[1] At the 641st meeting, held on 2 June 2000.

B. Positive aspects

3. The Committee notes the early ratification of the Convention by the State party, and takes note also of its recent ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

4. The Committee is encouraged by the adoption of several initiatives with regard to children, including the establishment of an inter-sectoral committee under the patronage of the Prime Minister to ensure follow-up to the World Summit for Children and to prepare the report, as well as the proclamation of 20 November as "National Day of the Child".

5. The Committee welcomes the recent amendment to the Penal Code which has, under the provisions of its article 333, set severe sanctions penalizing the practice of female genital mutilation.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note of the problems which have hampered the implementation of the Convention in the State party, in particular the regional conflicts which have led to a significant influx of refugees, the impact of the civil war which ended in 1994, and the continuing violence in the north of the country which has caused internal displacements.

7. The Committee notes that Djibouti has not ratified most of the international human rights treaties, which impedes the development of a human rights culture that would facilitate the implementation of the human rights of children.

8. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that the contradictions that can arise between a narrow interpretation of Islamic texts (and traditional law) and the provisions of civil law can sometimes impede the enjoyment of certain human rights protected under the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

Declaration upon ratification

9. The Committee is concerned that the broad and imprecise nature of the general declaration made by the State party upon ratification of the Convention, which amounts to a reservation, potentially negates many of the Convention's provisions and raises concerns as to its compatibility with the object and purpose of the Convention. The Committee welcomes indications that the declaration may have been intended primarily to address only the issue of the right of the child to freedom of religion and that efforts will be made to review the situation.

10. **In the light of the Vienna Declaration and Programme of Action and bearing in mind the provisions of article 27 of the Vienna Convention on the Law of Treaties, the Committee encourages the State party to review the general nature of its declaration to the Convention on the Rights of the Child with a view to its withdrawal.**

Ratification of international human rights instruments

11. While acknowledging the State party's ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee is of the opinion that the ratification of other human rights instruments, and in particular of the International Covenant on Civil and Political Rights and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, would strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction.

12. **The Committee encourages the State party to consider the possibility of ratifying the other major international human rights instruments.**

Legislation

13. The Committee is concerned that no systematic review of existing legislation has been undertaken to ensure its compatibility and full conformity with the principles and provisions of the Convention. It is also concerned about the difficulties experienced in finalizing the adoption of new or amended legislation, including the draft Family Code that was prepared before the ratification of the Convention.

14. **The Committee recommends that the State party take all appropriate measures to complete the process of law review and, where appropriate, adopt or amend legislation so as to ensure the harmonization of applicable provisions of the different jurisdictions (traditional, Islamic and civil law) and their conformity with the provisions and principles of the Convention.**

Coordination/independent monitoring mechanism/structures

15. Taking note of the limited functions assumed by the inter-sectoral committee, the Committee is concerned that no particular governmental coordination or monitoring mechanisms appear to have been set up to ensure the implementation of the provisions of the Convention.

16. **The Committee recommends that steps be taken by the State party to establish a mechanism to coordinate the various government bodies involved in children's rights at both the national and local levels and that greater efforts be made to ensure cooperation with non-governmental organizations working in the field of children's rights. While acknowledging that budgetary constraints may make it difficult to set up complex**

structures, the Committee encourages the State party to consider the possibility of setting up an independent mechanism to monitor progress made in the implementation of the Convention, including, for example, the establishment of a telephone hotline to encourage children to voice their complaints.

Data collection

17. The Committee is concerned that data collection in the State party is insufficient to allow the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

18. **The Committee recommends that measures be taken to establish a system to collect statistical and other data in all areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on the most vulnerable groups, including girls, children with disabilities, child labourers, children from nomadic groups living in rural areas, children living and/or working in the streets, children living in institutions and refugee children. Technical assistance in this area from UNICEF, among others, is encouraged.**

Budgetary allocations

19. Recognizing that effective implementation of the Convention depends upon the consistent allocation of adequate budgetary resources, the Committee expresses its concern at the lack of information on the current allocation of resources in favour of children, particularly in a context of widespread poverty.

20. **In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. The Committee urges the State party to establish a policy on the allocation of resources in favour of children, including resources allocated by international agencies or bilateral assistance, and to determine how these resources will be used in future, ensuring that priority is given to the alleviation of poverty.**

International cooperation

21. Deeply concerned by the overall situation of children's rights in the State party, the Committee takes note of the resource limitations faced by the State party which constrain its ability to address such a wide array of problems.

22. **The Committee strongly recommends that the State party seek international assistance for the implementation of the principles and provisions of the Convention, bearing in mind the need to strengthen national capacity.**

Dissemination and awareness-raising

23. The Committee acknowledges the efforts of the State party to promote awareness of the principles and provisions of the Convention and takes note of the cooperation between UNICEF and the National Centre for Research and Pedagogical Information in this regard. However, the Committee remains concerned that the text of the Convention has not yet been translated into all national languages, and that professionals working with and for children, parents and the public at large are generally not aware of the Convention and of the human rights it enshrines.

24. **The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the Convention among children and parents, civil society and all sectors and levels of government, including through the use of traditional information channels and working through community leaders. The Committee encourages the State party to pursue efforts to promote children's rights education in the country, including initiatives targeting the most vulnerable groups. Moreover, the Committee recommends the reinforcement of adequate and systematic training and/or sensitization of traditional and religious leaders as well as professional groups, including those working with and for children (e.g. judges, lawyers, law enforcement officials, parliamentarians, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from the Office of the High Commissioner for Human Rights (OHCHR) and UNICEF, among others.**

2. Definition of the child

25. The Committee notes that the new draft Family Code will set the legal minimum age for marriage at 18 for both boys and girls. It is concerned that current traditional practice considers 15 years as a suitable age for marriage for girls, while it is 18 for boys, and that the marriage age for girls is too low and is a form of gender discrimination not acceptable under the provisions of article 2 of the Convention.

26. **The Committee recommends that the State party continue its efforts to increase the legal minimum age for marriage and eliminate discrimination against girls in this regard, and that it consider the need for effective public information and sensitization activities to discourage early marriage.**

3. General principles

Non-discrimination

27. The Committee notes that the principle of non-discrimination (art. 2) is reflected in the Constitution of Djibouti as well as in domestic legislation and acknowledges efforts made to promote education for girls. It is still concerned that insufficient measures have been adopted to ensure that all children are treated equally and are guaranteed equal access to education, health and other social services. In this regard, it is extremely concerned about the persistent discriminatory attitudes faced by girls; it is also concerned about the discrimination faced by

refugee and asylum-seeking children and about the impact of ethnic discrimination. The Committee is also concerned about the discrimination that appears to be experienced by children born out of wedlock, children with disabilities, children living and/or working on the streets, and children living in rural areas.

28. **The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention and address those cases which continue to affect all vulnerable groups, particularly girls, refugee children and those from different ethnic groups. The Committee also urges the State party to give particular attention to addressing discrimination against both girls and women, inter alia by reviewing domestic legislation so as to ensure that discriminatory provisions, including those affecting inheritance rights, are removed and that adequate protection from discrimination is provided.**

Respect for the views of the child

29. The Committee is seriously concerned about the lack of information regarding the implementation in practice of the right of the child to express his or her views and to have them taken into account. It emphasizes the importance of promoting respect for the views of the child and encouraging children's participation.

30. **The Committee encourages the State party to promote public awareness of the participatory rights of children and urges that effective measures be adopted to promote respect for the views of the child within schools, families, social institutions and in the care and judicial systems, in accordance with the provisions of article 12 of the Convention.**

4. Civil rights and freedoms

Birth registration

31. The Committee is concerned that the insufficiently systematic birth registration in the State party prevents an accurate statement of the identity or age of a child, which can make it very difficult for the protection afforded to children by domestic legislation or by the Convention to be enforced. It is concerned in particular about the difficulties experienced in registering the birth of refugee children outside of the refugee camps and about the limited type of birth registration available in the camps.

32. **In light of articles 1 and 7 of the Convention, the Committee recommends that the State party establish as quickly as possible the practice of systematic birth registration for all children born within the national territory, and encourages the State party to consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and to adopt national legislation that is in conformity with these international instruments. The Committee further urges the State party to proceed with the registration of those children who have not been registered.**

5. Family environment and alternative care

Family environment

33. The Committee is concerned about the impact of gender discrimination on the sharing of parental responsibility by both parents and on the quality of the family environment, as well as about the impact on children of the continuing practice of polygamy. It is also concerned about the lack of detailed information regarding cases of children separated from their parents against their will when necessary for the best interests of the child and respecting the legal guarantees set by the provisions of article 9 of the Convention.

34. **The Committee encourages the State party to review its legislation, programmes and policies so as to promote the equal sharing of parental responsibility, discourage the practice of polygamy, and ensure adequate protection of children from abuse and neglect even when it may involve the need to separate children from their parents against their will.**

Alternative care

35. With respect to the situation of children deprived of a family environment, the Committee expresses its concern about the insufficient number of alternative care facilities and the limited capacity of existing institutions. Concern is also expressed about the fact that refugee children may be denied access to such facilities.

36. **The Committee recommends that the State party make every effort to provide special protection and assistance for children deprived of a family environment, in accordance with the provisions of article 20 of the Convention, including through the development of a foster care system as well as by providing additional places in existing institutions. It further recommends that an appropriate inspection mechanism be established to monitor the placement of children in institutions or in alternative care. The Committee also recommends that the State party increase its efforts to provide support for families and single parents, to discourage the abandonment of children.**

Adoption

37. Taking note of the detailed legal procedures required for adoption under civil law, the Committee remains concerned about the lack of detailed information concerning the procedures and safeguards provided for international adoptions, in particular of very young children abandoned by their parents.

38. **The Committee recommends that every effort be made to ensure that international adoptions are in full conformity with the provisions of article 21 of the Convention. It encourages the State party to consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect to Intercountry Adoption.**

6. Basic health and welfare

Children with disabilities

39. The Committee expresses concern regarding the lack of legal protection, programmes, facilities and services for children with disabilities aimed at facilitating their development and full integration in society.

40. **In light of article 23 of the Convention, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted as its day of General Discussion on the rights of children with disabilities (CRC/C/69), the Committee recommends that the State party establish special education programmes for children with disabilities and actively seek their inclusion in society. The Committee further recommends that the State party conduct an assessment of the number of children with disabilities, the type of disabilities, and the needs of children with disabilities with regard to rehabilitative and other forms of care. The Committee encourages the State party to seek technical assistance, including for the training of professional staff working with and for children with disabilities, from UNICEF and WHO, among others.**

Right to health

41. While welcoming the adoption of a national plan of action and the State party's commitment to adopt the Integrated Management of Childhood Illnesses (IMCI) strategy, the Committee is concerned at the poor health status of children in Djibouti. It is particularly concerned at the persistently high rates of infant and under-five mortality, maternal mortality, child malnutrition and smoking, and at the insufficient data collection with regard to child health. While welcoming the adoption of "baby-friendly" hospital initiatives, the Committee is also concerned about the risk of mother-to-child transmission of HIV, given the high rates of HIV infection. The Committee regrets the decline in spending on the health sector and the reduction in vaccination coverage.

42. **The Committee encourages the State party to increase its efforts in the health sector, including through the strengthening of data collection and disease surveillance mechanisms, the allocation of adequate resources and the reinforcement of training and support for health sector staff. It recommends that the State party ensure equitable access to existing health care services, that it make every effort to increase vaccination coverage, including by ensuring the maintenance of a cold chain, and that it undertake effective collection and recording of data in this respect. The Committee recommends that effective measures be taken to provide information and support to HIV-infected mothers to prevent HIV transmission, in particular by providing safe alternatives to breastfeeding. The Committee recommends that the State party address the social factors preventing vulnerable groups (including women and children) from seeking health care, and that particular efforts be made to reach refugee and displaced children and those living on the streets. The Committee urges the State party to develop effective partnerships with NGOs and civil society groups, and to seek the technical assistance of United Nations agencies such as WHO and UNICEF in this respect.**

Female genital mutilation

43. While welcoming the recognition by the State party of the importance of this problem, and the prohibition of the practice in the new Penal Code, the Committee expresses its concern about the widespread practice of female genital mutilation. It acknowledges the efforts made to complement legal reform with activities to raise awareness and sensitize health professionals and the effort made to involve traditional leaders in the effort to change traditional attitudes.

44. **The Committee urges the State party to continue to take effective measures to eradicate this practice, and encourages it to benefit from the experience of other States that have addressed similar issues. The Committee recommends that the adoption of legal and judicial provisions in this area be accompanied by further efforts to engage the community in the process of changing cultural attitudes, including by assisting traditional practitioners to seek alternative employment, and if necessary by ensuring the enforcement of the legal sanctions contemplated by article 333 of the new Penal Code in order to set an example.**

Adolescent health

45. The Committee is concerned about the exposure of older children in the State party, particularly those living on the street or working in port areas and along truck routes, to sexual exploitation and to sexually transmitted diseases, including the risk of HIV infection. The Committee is also concerned that girls married at a young age may not have sufficient access to family planning services and counselling.

46. **The Committee urges the State party to address the sexual and reproductive health-care needs of older children, including those married at a young age and those in vulnerable situations. It recommends that the State party provide access to information about sexual and reproductive health, and that services in this area be user friendly and address the concerns and need for confidentiality of adolescents. The Committee recommends that the State party seek technical assistance from WHO and UNICEF, among others, to develop a comprehensive strategy that can address the needs of young people, and that it encourage civil society and adolescents to participate in the design, implementation and evaluation of such a strategy.**

7. Education, leisure and cultural activities

47. The Committee welcomes the recent efforts of the State party to improve the situation of education in terms of elaborating and carrying out educational programmes, and takes note of efforts made to seek international assistance in this area. However, the Committee remains seriously concerned about the low rates of school enrolment and attendance and the high drop-out and illiteracy rates, as well as about the extent of gender disparities in this respect. It is also concerned about the limited number of trained teachers and school facilities, and further concerned by information indicating that refugee children are denied access to education outside of refugee camps.

48. **The Committee recommends that the State party continue its efforts to promote and facilitate school attendance, particularly among girls and refugee children. In light of**

article 28 of the Convention, the Committee recommends that the State party take effective measures to ensure that primary education is available to all, to improve the quality of teaching and to reduce drop-out rates. The Committee encourages the State party to seek to strengthen its educational system, if necessary by seeking further international assistance, from UNICEF and UNESCO, among others.

8. Special protection measures

Refugee and asylum-seeking children

49. While acknowledging the challenges faced by the State party as a result of the regional conflicts which repeatedly lead to the arrival of a disproportionate number of asylum-seekers, the Committee is concerned about the problems experienced by refugee children. It is concerned about the absence of national legislation defining the legal basis for asylum or for granting stateless status. It is also concerned about the resulting absence of an appropriate legal framework for the protection of accompanied and unaccompanied child refugees and asylum-seekers, and about the lack of health and education services for all refugee children, including those living outside the refugee camps.

50. **The Committee urges the State party to make every effort to implement the rights of refugee children, in accordance with article 22 of the Convention and of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It recommends that the State party adopt national legislation for the determination of refugee status, making suitable provision for the special procedures required for child refugees. In light of the provisions of articles 2, 10, 24 and 28 of the Convention, the Committee further recommends that the State party develop an appropriate legislative and administrative framework to facilitate family reunification and adequate access to all social services and to schools for refugee children outside the camps.**

Children in armed conflict

51. The Committee welcomes the adoption in Paris on 7 February 2000 of an agreement to end the violence in the north of the country. The Committee is concerned that insufficient efforts have been made to introduce adequate programmes to facilitate the rehabilitation of children affected by armed conflict during the civil war and subsequent violence.

52. **The Committee recommends that every effort be made to conclude negotiations and obtain international assistance allowing the launching of activities to demine areas affected by the conflict. It further recommends that the State party take all appropriate measures to introduce programmes to facilitate the physical and psychological recovery and social reintegration of children affected by armed conflict.**

Child labour

53. The Committee is concerned about the apparent increase in the number of children involved in economic activities in the family context as well as on the streets.

54. **The Committee urges the State party to make urgent efforts to monitor and address the use of child labour. It recommends that the State party improve its monitoring mechanisms in order to enforce existing labour laws and protect children from economic exploitation. The Committee encourages the State party to ratify the Worst Forms of Child Labour Convention (No. 182) and the Minimum Age for Admission to Employment Convention (No. 158) and to seek international cooperation, including through the International Programme for the Elimination of Child Labour (IPEC) of the ILO.**

Drug and substance abuse

55. The Committee is concerned about the high and increasing involvement of children in the production, trafficking and consumption of psychotropic drugs (and especially of khat), and about the impact on children of widespread khat consumption in the State party which affects families and the entire society.

56. **In view of articles 33 and 39 of the Convention, the Committee urges the State party to take all appropriate measures to prevent the involvement of children in the production, trafficking and consumption of khat and other psychotropic drugs as well as to provide care and rehabilitation, and to pay particular attention in this regard to vulnerable groups, including children who drop out of school, live on the streets, or work in the port area. The Committee encourages the State party to seek technical assistance from UNICEF and WHO, among others, and to involve children in the design, implementation and evaluation of relevant strategies, and to continue its cooperation with the United Nations Drug Control Programme in this regard.**

Sexual exploitation

57. The Committee is concerned about the high and apparently increasing incidence of prostitution involving children, in particular girls, and about the lack of facilities to provide services to sexually exploited children.

58. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including to promote the physical and psychological recovery and social reintegration of child victims of sexual exploitation, and to preventing and combating the sexual exploitation of children while avoiding the criminalization of child victims. In this regard, the Committee encourages the State party to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.**

Juvenile justice

59. The Committee welcomes the recent release of a number of children who had been detained in the Gabode prison while expressing its concern about the lack of support and assistance which may be faced by those children. The Committee remains concerned about the treatment of children alleged to be in conflict with law and about the lack of available data on the

number and situation of children in detention, on the types of offences committed, length of sentences imposed, availability of diversionary and alternative measures, etc. The Committee remains concerned about conditions in places of detention for children, especially with regard to overcrowding and the quality of the health services and educational programmes offered, and in particular about the availability of services to facilitate the detained child's reintegration in society, in accordance with the provisions of article 40 (1) of the Convention.

60. **The Committee recommends that every effort be made to gather information on the number and legal situation of children in detention within the State party and urges the State party to enforce domestic legislation requiring that imprisonment be a measure of last resort, and that children be kept separate from adult detainees. The Committee further recommends that the State party:**

(a) Take additional steps to ensure that the juvenile justice system is in full conformity, de facto, as well as de jure, with the provisions of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider seeking technical assistance in this regard from, among others, the member organizations of the Coordination Panel on Technical Advice in Juvenile Justice, including the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF.

9. Dissemination of the reports

61. **Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report, along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.**